

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Charlotte Loquasto, et al.	§	
	§	
Plaintiffs,	§	Civil Action No. 3:19-CV-01455-B
	§	
vs.	§	(Consolidated with
	§	Civil Action No. 3:19-CV-01624-B)
Fluor Corporation, Inc., et al.	§	
	§	
Defendants.	§	
.	§	

**ALLIANCE PROJECT SERVICES, INC.’S RESPONSE TO
DEFENDANT FLUOR CORPORATION, INC., FLUOR ENTERPRISES, INC.,
FLUOR INTERCONTINENTAL, INC., AND FLUOR GOVERNMENT GROUP
INTERNATIONAL, INC.’S RULE 12(H)(3) MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION
UNDER THE POLITICAL QUESTION DOCTRINE**

Defendant Alliance Project Services, Inc. (“APS”) joins Defendants Fluor Corporation, Inc., Fluor Enterprises, Inc., Fluor Intercontinental, Inc., and Fluor Government Group, Inc.’s (collectively, “Fluor Defendants”) Rule 12(h)(3) Motion to Dismiss for Lack of Subject Matter Jurisdiction under the Political Question Doctrine (“Motion to Dismiss”) [Dkt. No. 21] as follows:

1. Plaintiffs allege that APS nominally employed Ahmad Nayeb and that it was Fluor Defendants, not APS, who generally managed and supervised Nayeb. [Dkt. No. 1-3 at 22.]
2. Citing government documents, the Motion to Dismiss sets forth facts demonstrating that the United States Military, in the exercise and implementation of its judgment, decision-making powers, policy-making authority, intelligence gathering, and

strategies—and not APS—directed the hiring of Nayeb and screened, searched, and granted Nayeb access to the Bagram Airfield. [Dkt. No. 21.]

3. The facts, arguments, and supporting law set forth in the Motion to Dismiss apply with equal force as to the claims against APS, and the Court should dismiss Plaintiffs' claims against APS under the political question doctrine.

THEREFORE, APS respectfully joins the Flour Defendants' Motion to Dismiss and requests that the Court dismiss Plaintiffs' suit against APS.

File Date: October 7, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 7th day of October 2019, a true and correct copy of the foregoing document was served on counsel of record for the parties through the CM/ECF system in accordance with the Federal Rules of Civil Procedure.

/s/ David Grant Crooks
David Grant Crooks